

particular, several references were discussed including U.S. Pat. No. 6, 315,195 to Ramachandran, and U.S. Pat. No. 6,012,636 to Smith. In sum, the art has numerous deficiencies for the inventive universal card. It was discussed that neither Smith and Ramachandran, nor any reference of record, teaches a **universal card** which comprises a memory which stores account identification data such as a first account identification data and a second account identification data. A **control** is coupled to the memory which allows the user to select either the first account identification data or the second account identification data in the memory. The card further comprises a re-writable magnetic storage region which is **coupled to the memory**. This re-writable magnetic storage region is incorporated with the universal card and is different from the memory. The **card** further comprises a device which writes either first or the second account identification data responsive to the control **to the magnetic storage region**. As discussed and presented in the response to the Office action filed on December 9, 2002, a **single** universal card can be **selectively controlled** by the user with a control retained with the card to **selectively** emulate, for example, a credit card, debit card, automatic teller machine (ATM) card, employee identification card, student identification card, building access card, club membership card, airline frequent flyer card, grocery store discount card, department store account card, telephone card, video rental card, public transportation fare card, and the like.

#### **Claims 36-42**

Claims 36 through 42 have been allegedly rejected under 35 U.S.C § 103(a) over U.S. Pat. No. 6, 315,195 to Ramachandran in view of U.S. Pat. No. 6,012,636 to Smith. The references of record clearly do not teach the inventive universal card as recited in claims 36 through 42.

With respect to claims 36-42, the Office Action relies on an asserted combination of Ramachandran and Smith. The Office Action correctly concedes that Ramachdran **fails** to teach a universal card having a processor, memories for storing data pertaining to other cards, a reading/writing device and a fingerprint reader. (See Office Action, pg. 4, para. No. 6). Smith **fails** to make up for the deficiencies in Ramachandran as well.

The Office Action allegedly states that Smith has a device 22 with the noted features and

asserts device 22 is a card. On the contrary, device 22 in Smith is stated as merely a **data management device**(see col. 7, lines 66-67 and col. 8, lines 1-2). The Office Action at page 5 has stated that the data management device 22 and user card 10 are physically integrated as one entity. The Office Action refers to col. 17, lines 1-44 of Smith (see Office Action at page 5, second paragraph and page 6 numbered para. 10). However, Smith is **clearly devoid** of this alleged teaching. There is **no** suggestion, nor any embodiment of a one entity of the data management device 22 and user card 10 in Smith as alleged in the Office Action. The referenced col. 17, lines 1-44 of Smith merely recites features of a data management device for a so-called multiple card data system. This is evidenced at least, as stated in Smith, the data management device 22 includes a "slot 24 in the device 22 is for insertion of a user card 10" (col. 8, lines 34-35)(emphasis provided). Figure 4B shows this data management device 22 has the slot 24 and Figure 4B shows the user card 10 going into this slot 24 of this so-called data management device 22. This user card 10 is removed from the device 22 by the user.

Further evidenced that there is **no** suggestion of a one entity data management device 22 and user card 10 is shown in the Abstract of Smith. In the Abstract, Smith states the data management device transfers provider data of one card to make a clone of that provider's card on another user data card. There is **no teaching, nor any suggestion** in Smith of integrating features of a processing, memories for storing data pertaining to other cards, a reading/writing device and control in an universal card as alleged in the Office Action. Therefore at least the noted reasons, the Office Action has failed to state a *prima facie* case of obviousness and rejection must be withdrawn. Accordingly, claims 36-42 are allowable at least on this basis.

Furthermore, neither Ramachandran nor Smith teach or suggest a **universal card** comprising **a control coupled to a memory** which allows the user to select either first account notification data or the second identification data in the memory. Therefore, if even somehow Ramachandran or Smith were combined, the present invention would **not** be disclosed. Hence, claims 36-42 are allowable at least on this basis.

Furthermore, neither Ramachandran nor Smith teach or suggest a universal card comprising a

device which writes either first or the second account identification data responsive to the control to a magnetic storage region as recited in claim 36. Therefore, if even somehow Ramachandran or Smith were combined, the present invention would **not** be disclosed. Hence, claims 36-42 are allowable at least on this basis.

Moreover, the Office Action has improperly combined references for arriving at the inventive card as claimed. Specifically, there is absolutely no motivation, nor any suggestion as alleged to combine Ramachandran and Smith to arrive at the inventive universal card recited in claims 36-43. Further, the Office Action has alleged assertions of "functional cards containing processing, memory, keypads are well known in the art". (Office Action, page 5, paragraph 3). Smith **fails** to disclose any suggestion or embodiment to provide a card with features as alleged. Further, it is respectfully submitted that none of the references of record teaches any motivation for the statement "having just the card ..., the device." (Office Action, page 5 para. 3) This is an unsupported statement not found in any reference of record. See MPEP 2143.01. As clearly held by the U.S. Court of Appeals for the Federal Circuit, "[i]t is impermissible to use the claimed invention as an *instruction manual* or *template*" to piece together the teaching of the prior art ... to pick and choose among isolated disclosures ... to deprecate the claimed invention." *In re Fritch*, 972 F.2d 1260, 1266 (quoting *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (emphasis added)). With respect to claims 36-42, the art of records fails to teach or suggest the noted inventive features.

It is respectfully asserted that all pending claims are allowable.

### **CONCLUSION**

For the foregoing reasons, it is respectfully submitted that this application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in better form for allowance, the Examiner is respectfully urged to contact Applicants' undersigned representative at the below-listed number. If any additional fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Infosino - Serial No.: 09/391,844

Date: January 8, 2003

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Eleventh Floor  
Washington, D.C. 20001  
(202) 508-9100

Respectfully submitted

By:

  
Darrell G. Mottley

Registration No. 42,912